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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Keith S. Champlin

Group Art Unit: 2838

Applic No.: 10/073,378

Examiner: L. W. Luk

Filed : February 8, 2002

For : METHOD AND APPARATUS USING A
CIRCUIT MODEL TO EVALUATE
CELL/BATTERY PARAMETERS

Docket No.: C382.12-0111

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RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING
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ALEXANDRIA, VA 22313-1450, THIS

8 DAY OF Dec 20 03

PATENT ATTORNEY

Sir:

This is in response to the Office Action mailed on September 9, 2003. In the Office Action, claims 78-143 are allowed, claims 1-4, 6-8, 14, 15, 39-42, 44-46, 52, 53 and 77 were rejected and claims 5, 9-13, 16-38, 43, 47-51 and 54-76 were objected. With this response all pending claims are presented for reconsideration and favorable action.

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Under section two of the Office Action, claims 1, 2, 4, 6-8, 14, 39, 40, 42, 44-46, 52 and 77 were rejected under the Judicially Created Doctrine of Obviousness-Type Double Patenting based on U.S. Patent No. 6,495,990. Submitted herewith is a Terminal Disclaimer against the '990 patent. Applicant notes that this terminal disclaimer is filed without any admission regarding the correctness of the rejection. The terminal disclaimer is filed in order to further prosecution and, as the present application claims priority back to '990 patent, it is believed that the expiration of any patent issued from the present application would be commensurate with the expiration of this patent. It is respectfully submitted that claims 1, 2, 4, 6-8, 14, 39, 40, 42, 44-46, 52 and 77 are allowable.

In section four of the Office Action, claims 5, 9-13, 16-34, 43, 47-51 and 54-77 were objected to as being dependent upon a rejected base claim. It is respectfully submitted that these claims now depend on allowable base claims as discussed above.

It is noted that there is no detailed discussion of the rejection of claims 3, 15, 41 and 53 and the objection of claims 35-38 in the Office Action. However, claims 3, 15, 35-38, 41 and 53 depend on what is believed to be allowable base claims. Therefore, it is respectfully submitted that claims 3, 15, 35-38, 41 and 53 are allowable as presented.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By 

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